1873-74
(L.R.)

File No. 1 of 1873-74
Serial no. 1-3.

Subj:— Acts declard as Constituting Channell Offences

G. K. S. 58
Previous references.

190 .
(Agriculture)
Land: Rev:

File No. 1 of 1873-74.
Serial Nos. 1 — 3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

Part B. for

SUBJECT.

Acts declared & as constituting
Channel Offences &

Note.
1. No 326 dated 13th March 74
To the Compiler, Mysore Gazette for notification
Enumerates the different acts that constitute
Channel offences
2. No 1091 dated 26th April 97
From the D. C. Bangalore
Requests instructions as to whether the Channel
Offences relate exclusively to river channels or
to the irrigation channels of the tanks also
3. No 11671-78 dated 30th June 97
R. 3868
To D. C. Bangalore and D. C. Kolar districts
Directs that the rules referred to above apply to
all channels whether connected with river or tank

G&B.—8,000—7-4-05

GL: Records

please send the Mysore Gazette containing the Chief Commissioner's Notifn no: 326 of 18.3.74 and the same will be returned after a copy of the Notifn being taken.

YBR 4/5

Please send the copy of the Gazette which will be returned after a copy of the Notn being taken.

YBR 5/5

Sd/- Copy of the Notification referred to is prompt. Secretary Submitted for orders.

YBR 7/5

8/5/87 8/5/87

This question was raised under the consideration of Govt in one or two recent cases. I am not sure whether there are any

P.F. 255/92

branch on the Rev:
Let me see them please
C.

10/5/97.

Received for record
10/5/97

Civil Records.
Please put up P.F. 255 of 92-93

11/5-

Return to:-
P.F. 255 of 92 put up

11.5.97.

11/5/97

The above file together with P.F. 47-96, P.F. 45-96 & P.F. 793/96 & 27.11.96 & Sundry (not connected papers) is put up.

11/5-

Entered

11/5/97

Of the files just put up, files no. 45 & 47 throw no light on the question raised. In file no 255 of 1892-93 (part II), see no 4 (letter of the Dy Comm & Shimoga & Comm & 26/12/78 & the subsequent correspondence) where it is stated that the rule applies as a matter of course to tank channels.

A Gen. 1 of 1875

(3)

The rules in question (Under Serial No 3) seem to have been proposed by the Irrigation Dept & were simply transferred for publication to the Genl Dept

Apart from the history of the origin of the rules, there is nothing in the rules (& limit there application & to river channels and as a matter of fact the rules have been held to apply to tank-channels.

A case in which Govt confirmed the Govt's order of June where a channel under a tank was interfered with would be useful but would not furnish through evidence than Serial No 4 of file No. 253 of 1892-93 refd to above

Sd/ Secretary

12/5/97

Rules 2 & 7 r

I am also of opinion that the Rules in question should as

well & south channels
as to river channels ~~[illegible]~~

RD 6.30 Pm.
7/6/97.

7/6/97

The rules, by
their wording
apply to all channels
whether connected
with the South
or River irrigation.
They ~~[illegible]~~ do not
contain any
restrictive words
~~[illegible]~~ to limit
their operation.

12/6/97

Print to this
DCs also.

~~draft proceedings~~
Transfer to Res Branch
(for draft issue)

13/6/97

Ltr
C.E.

W.C.

Seen
12/6/97

Draft
19/6/97

Notification No. 326.

13th March 1874

The following Acts are declared to constitute Channel Offences and are punishable on the Revenue Side by Officers not below the grade of Amildar with fine not exceeding Rs 10. In extreme cases falling under Sections 425, 426, 427, 430, 431 or 432 of the Penal Code the case should be taken up by a competent Magistrate.

I. Obstructing the flow of water in the main or Supply Channels

II. Injuring the main channels by opening escapes for the water or otherwise

III. Injuring the channel banks by digging up grass or otherwise

IV. Wilfully allowing cattle to stray on the banks of the Channels.

V. Cultivating land within a space of 10 feet from the Channel banks after being prohibited by proper Authority from doing so.

VI. Interfering with any sluice or other work in the main Channels.

VII. Widening, deepening or otherwise altering the Supply-Channel to the detriment of land further from the Sluice

VIII. Wilfully allowing waste of water flowing from the main Channel

R 5033 ~~R 5033~~ 7134 Pet 667

Gen. 31]

1896-97.

(2)

From The Dy Commissioner
Bangalore District

To The Secretary to the Govt
of Mysore
Genl & Rev Departments

Dated 26th } April/97 Bangalore
Despatched 27th }

Received

General No.
D No. 1091.

Enclosure No.

Chief Commissioner's Notification No. 326 d/18th March/97

Requesting instructions as to whether the Channel Offences relate exclusively to power channels or to the irrigation channels of tanks also.

Rw 27-4-97

Original Note is not forthcoming in the Bundle copy may be taken from the Mysore Gazette 1896. Part I.

(315)

23/5/97

Proceedings of the Government of Mysore, Revenue, dated 30th June 1897.

READ :—

Letter No. 1091, dated 26th April 1897, from the Deputy Commissioner, Bangalore district soliciting instructions as to whether the channel offences specified in the late Chief Commissioner's Notification No. 326, dated 13th March 1874, relate exclusively to river channels or to the irrigating channels of tanks as well.

No. 11671-78—R. 3868, DATED, BANGALORE, 30TH JUNE 1897.

ORDER THEREON.—The rules referred to above, which do not contain any restrictive words to limit their operation, apply to all channels, whether connected with river or tank irrigation.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District.
The Deputy Commissioners of other Districts.

Exd.—H.A.R.

D. No. 1091.

Dy Commissioner's Office.
Bangalore District.
Dated 26th/27th April 1897.

To,
The Secretary to the Government
of Mysore,
Genl & Rev Departments
Bangalore.

Sir,

A question having arisen as to whether the Channel Offences specified in the margin* relate exclusively to river channels or to the irrigating channels of tanks also, I have the honor to seek the instructions of Government in the matter.

* Chief Commissioner's Notification No. 326 dated 13th March 1874 vide Mysore Gazette.

2. As far as I have been able to ascertain in this office, there is nothing on record to guide me to a correct decision But looking at the general terms in which the offences have been defined, I think the tank channels are also embraced thereby-

3. The Chief Court has not been addressed on the subject as the offences are punishable on the Revenue side.

4. Cases have occurred pointing to the wisdom of punishing offences to tank channels also under the above rules.

I have the honor to be,
Sir
Your Most Obedient Servant,

Dy Commissioner

Draft as per order (4)

Read:—

Letter No. 1091 dated 26th April 1897 from the Dy Comm Bangalore District, soliciting instructions as to whether the channel offences specified in the late Chief Commrs Notification No. 326 dated 13th March 1874 relate exclusively to river channels or to the irrigating channels of tanks as well.

No. 11671-8 / R. 3868 / 30/6/97

Order thereon:—

The rules referred to above, which do not contain any restrictive words to limit their operation, apply to all channels, whether connected with river or tank irrigation.

[illegible]
28/6/97
Secretary.

DD 25/6/97

VR 25/6/97

To

The Dy Commr
Bangalore District

The Dy Commrs of other Districts

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 30th June 1897

No. 11671-78 / R. 3868

Observing that channel offences specified in the late Chief Commissioner's Notification No. 326, dated 13th March 1874, applies to all channels, whether connected with river or tank irrigation.

M.G.C.P.B.—12-7-97—120